

Before the
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Washington, D.C. 20540

GENERAL COUNSEL
OF COPYRIGHT

JAN 9 1997

RECEIVED

In re: Determination of Statutory)	
License Terms and Rates for Certain)	No. 96-5
Digital Subscription Transmissions)	CARP DSTRA
of Sound Recording)	
)	
)	

RIAA'S MOTION FOR LEAVE TO FILE LATE

On December 27, 1996, the Services filed several motions to compel. RIAA's Opposition to those motions was due on January 8, 1997. For the following reasons, RIAA requests that the Copyright Office accept RIAA's Opposition as timely on January 9.

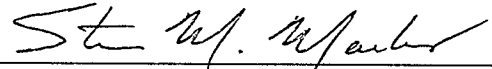
RIAA completed and sent its Opposition by messenger to the Copyright Office for filing in the late afternoon on January 8. RIAA's messenger arrived at the Copyright Office building at 4:56. Due to security procedures in the lobby of the building, the messenger did not arrive at the General Counsel's office until 5:02 and therefore was unable to file RIAA's Opposition.

RIAA requests that the Copyright Office accept RIAA's Opposition as timely on January 9. RIAA's Opposition was complete and its messenger arrived at the Copyright Office building before five o'clock. Only because of a short delay at the security desk did the

messenger arrive at the General Counsel's office after closing.

This proceeding will not be delayed if this motion is granted. The Services were served with RIAA's Opposition by facsimile on January 8, and therefore the schedule for reply briefs will not be altered. Moreover, complete review of the Services' motions to compel is not possible until after the Services file a reply brief. Finally, because the Services were served with the Opposition on January 8, RIAA has gained no advantage and the Services will suffer no prejudice if this motion is granted.

Respectfully submitted,



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January 9, 1997

Certificate of Service

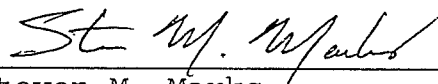
I certify that the foregoing motion was served
this 9th day of January by facsimile on:

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